

HOUSE No. 425

By Mr. MacDonald of West Springfield, petition of Benjamin E. Fox that the town of West Springfield be authorized to take additional sources of water supply in the town of Southwick and city of Westfield. Water Supply.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT AUTHORIZING THE TOWN OF WEST SPRINGFIELD
TO TAKE WATER FROM ADDITIONAL SOURCES IN SOUTH-
WICK AND WESTFIELD.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter two hundred and six of the
2 acts of eighteen hundred and ninety-three is hereby
3 amended by striking out section two and inserting in
4 place thereof the following:—

5 *Section 2.* The said town, for the purposes afore-
6 said, may lease, or take by eminent domain under
7 chapter seventy-nine of the General Laws, or acquire
8 by purchase or otherwise, any property within the
9 limits of said town of West Springfield, and any
10 property situated in the city of Westfield, or the
11 town of Southwick, within the following boundaries,
12 to wit: bounded northerly by Shaker road, so-called,
13 in the city of Westfield; bounded southerly by the

14 road leading from Feeding Hills to Southwick, and
15 known as Massachusetts highway route number fifty-
16 seven, and bounded easterly and westerly by lines
17 parallel with and one thousand five hundred feet
18 distant from the center line of Great Powder Mill
19 brook, so-called; and hold, the waters, or any portion
20 thereof, of any pond, brook, spring, or stream, or of
21 any ground water sources by means of driven or
22 other wells or filter galleries, and the water rights and
23 water sources connected therewith; and also may
24 lease or take by eminent domain under said chapter
25 seventy-nine, or acquire by purchase or otherwise,
26 and hold, all lands, rights of way and easements nec-
27 essary or proper for collecting and storing such water
28 and protecting and preserving the purity thereof, and
29 for conveying such water to any part of said town;
30 provided, that no source of water supply and no lands
31 necessary for protecting and preserving the purity of
32 such water shall be leased, taken by eminent domain,
33 or acquired by purchase or otherwise without the
34 consent and approval of the department of public
35 health, and that the location of all dams, reservoirs,
36 pumping and filtration plants, wells and filter gal-
37 leries to be used as sources of water supply under
38 this act shall be subject to the approval of said de-
39 partment. Said town may construct and may erect
40 on the lands acquired or held under the provisions of
41 this act proper dams, reservoirs, standpipes, fixtures,
42 buildings and other structures, and may make exca-
43 vations, procure and operate machinery, and provide
44 such other means and appliances and do such other
45 things as may be necessary or proper for the estab-
46 lishment and maintenance of complete and effective
47 water works; and may construct and maintain wells,

48 reservoirs and pumping works, and may construct,
49 lay and maintain conduits, pipes and other works in,
50 under, upon or over any lands, water courses, rail-
51 roads, railways, or public or private ways, and along
52 any such way in such manner as not unnecessarily to
53 obstruct the same; and for the purpose of construct-
54 ing, laying, maintaining, operating, renewing and re-
55 pairing such conduits, pipes and other works, and for
56 all proper purposes of this act, may dig up or raise
57 and embank any such lands, and may enter upon
58 and dig up any such way in such manner as to cause
59 the least hindrance to public travel thereon. Said
60 town shall not enter upon, or construct or lay any
61 conduits, pipes or other works within the location of
62 any railroad corporation, except at such time and in
63 such manner as it may agree upon with such cor-
64 poration, or, in case of failure so to agree, as may be
65 approved by the department of public utilities.

1 SECTION 2. Sections three and four of said chap-
2 ter two hundred and six of the acts of eighteen hun-
3 dred and ninety-three are hereby repealed.

1 SECTION 3. After the actual taking of any real
2 estate in the city of Westfield, or the town of South-
3 wick, by the town of West Springfield under author-
4 ity of this act, the same shall be valued by the asses-
5 sors of said city, or town, for the purpose of taxation,
6 on the basis of the average of the assessed values of
7 such real estate for the three years last preceding the
8 acquisition thereof; and said town shall pay there-
9 after to said city or town, taxes at the valuations so
10 determined.

1 SECTION 4. This act shall take effect upon its
2 acceptance by a majority of the voters of the town
3 of West Springfield present and voting thereon at a
4 town meeting called for the purpose within three
5 years after its passage, but the number of meetings
6 so-called, in any year shall not exceed three.